

ORIGINAL

BUEHNER-FRY, INC. d/b/a
RESORT OPERATOR SERVICES

Arizona Tariff No. 1
Original Title Page

RESALE TARIFF OF

BUEHNER-FRY, INC. d/b/a RESORT OPERATOR SERVICES

This tariff contains the rules, regulations, descriptions, and rates applicable to the furnishing of Intrastate Resale Common Carrier Communications offered by Buehner-Fry, Inc. d/b/a Resort Operator Services between points within Arizona.

APPROVED FOR FILING
DECISION #: 63543

ISSUED: May 23, 2001

EFFECTIVE: May 24, 2001

ISSUED BY: Milton T. Buehner, President
62975 Boyd Acres Road, Suite 2
Bend, Oregon 97701

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BUEHNER-FRY, INC. d/b/a
RESORT OPERATOR SERVICES

Arizona Tariff No. 1
First Revised Page 1

CHECK SHEET

The Title Page and Pages 1 through 20, inclusive, of this tariff are effective as of the date shown. Original and revised pages, as named below, contain all changes from the original tariff that are in effect on the date thereon except as otherwise noted.

| <u>PAGE</u> | <u>REVISION</u> | <u>LEVEL</u> |
|-------------|-----------------|--------------|
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TARIFF FORMAT

Page Numbering - Page numbers appear in the upper right hand corner of the page. Pages are numbered sequentially. From time to time new pages may be added to the tariff. When a new page is added between existing pages a decimal is added to the preceding page number. For example, a new page added between Pages 3 and 4 would be numbered 3.1.

Explanation of Symbols - When changes are made in any tariff sheet, a revised sheet will be issued canceling the tariff sheet affected. Changes will be identified on the revised page(s) through the use of the following symbols:

- (C) - To signify changed regulation.
- (D) - To signify discontinued rate or regulation.
- (I) - To signify increased rates.
- (M) - To signify material relocated from one page to another without change.
- (N) - To signify new rate, regulation, or text.
- (R) - To signify reduced rate.
- (S) - To signify reissued material.
- (T) - To signify a change in text, but no change in rate or regulation.

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Application of Tariff

This tariff contains the regulations and rates applicable to the furnishing of intrastate resale common carrier communications service by Buehner-Fry, Inc. d/b/a Resort Operator Services within the State of Arizona.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

ACC - Arizona Corporation Commission.

Access Line - An arrangement which connects the customer's location to a Buehner-Fry, Inc. switching center or point of presence.

BFI - Used throughout this tariff to mean Buehner-Fry, Inc. d/b/a Resort Operator Services unless clearly indicated otherwise by the text.

Calling Card - A billing convenience whereby the End User may bill the charges for a call to an approved telephone company-issued calling card. The terms and conditions of the local telephone company will apply to payment arrangements.

Collect Billing - A billing convenience whereby the originating caller may bill the charges for a call to the called party, provided the called party agrees to accept the charges.

Company or Carrier - Buehner-Fry, Inc. d/b/a Resort Operator Services unless otherwise clearly indicated by the context.

Credit Card - A billing convenience whereby the End User may bill the charges for a call to an authorized national charge card. The terms and conditions of the agreement between the credit card company and its patrons will apply to payment arrangements.

Customer Dialed Calling Card Call - A service whereby the End User dials all of the digits necessary to route and bill the call.

Customer or End User - The person, firm, corporation, or other entity which initiates a call on the Company's network, or accepts billing for a call on the Company's network, subject to the terms and conditions of the Company's tariff regulations.

LEC - Local Exchange Company.

Operator Dialed Surcharge - This charge applies to calls when the user dials "0" only and requests that the operator dial the destination number.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, CON'T.

Operator-Station Call - A service whereby the originating End User requests the assistance of a Company operator to place or bill the call. Calls billed Collect or to a telephone company-issued Calling Card or to an authorized Credit Card are Operator-Station calls unless the call is placed on a Person-to-Person basis. Automated Calling Card calls are not Operator-Station calls.

Person-to-Person Call - A service whereby the originating End User specifies to the Company operator a particular person to be reached, or a particular station, room number, department, or office to be reached through a PBX attendant.

Subscriber - The person, firm, partnership, corporation, or other entity who owns the property or location from which a Customer places a call utilizing the equipment and services of the Company. The Subscriber or its agents have a pre-existing business arrangement with the Company and may also be a Customer or End User.

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SECTION 2 - RULES AND REGULATIONS

2.1 Undertaking of Buehner-Fry, Inc.

BFI's services and facilities are furnished to Subscribers and Customers for communications between points within the state of Arizona. The Company offers various billing arrangements with its operator assisted services including Calling Card, Commercial Credit Card, Collect, and Third Party. Arizona intrastate service is offered in conjunction with the Company's interstate service. The Company's services and facilities are available twenty-four hours per day, seven days per week.

BFI installs, operates, and maintains the communications services hereinunder for End Users in accordance with the terms and conditions set forth under this tariff and through contracts with its Subscribers. BFI may act as the Subscriber's agent for ordering access connection facilities provided by other carriers or entities, when authorized by the Subscriber, to allow connection of a Subscriber's location to BFI's network. The Subscriber shall be responsible for all charges due for such service arrangement.

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SECTION 2 - RULES AND REGULATIONS, CON'T.

2.2 Limitations

- 2.2.1 Service is offered subject to the availability of the necessary facilities and equipment, and is subject to the provisions of this tariff.
- 2.2.2 BFI reserves the right to discontinue or limit service when necessitated by conditions beyond its control, or when the Customer or End User is using service in violation of provisions of this tariff or the law.
- 2.2.3 The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connection.
- 2.2.4 The Company reserves the right to discontinue service, limit service, or to impose requirements on Subscribers and Customers as required to meet changing regulatory or statutory rules and standards.
- 2.2.5 The Company reserves the right to discontinue service, when any governmental or regulatory condition imposed upon BFI materially and negatively impacts the financial viability of the service as determined by the Company in its best business judgment.

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SECTION 2 - RULES AND REGULATIONS, CON'T.

2.3 Use

Services provided under this tariff to Subscribers and End Users may be used for any lawful purpose for which the service is technically suited.

2.4 Liabilities of the Company

2.4.1 BFI's liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in transmission which occur in the course of furnishing service or facilities, in no event shall exceed an amount equivalent to the proportionate charge to the End User for the period during which the faults in transmission occur.

2.4.2 The Company shall not be liable for claim or loss, expense or damage (including indirect, special or consequential damage), for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by any person or entity other than the Company, by any malfunction of any service or facility provided by any other carrier, by an act of God, fire, war, civil disturbance, or act of government, or by any other cause beyond the Company's direct control.

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SECTION 2 - RULES AND REGULATIONS, CON'T.

- 2.4.3 The Company shall not be liable for, and shall be fully indemnified and held harmless by Subscriber or Customer against any claim or loss, expense, or damage (including indirect, special or consequential damage) for defamation, libel, slander, invasion, infringement of copy-right or patent, unauthorized use of any trademark, tradename or service mark, unfair competition, interference with or misappropriation or violation of any contract, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data, information, or other content revealed to, transmitted, or used by the Company under this tariff; or for any act or omission of the Subscriber or Customer; or for any personal injury or death of any person caused directly or indirectly by the installation, maintenance, location, condition, operation, failure, presence, use or removal of equipment or wiring provided by the Company, if not directly caused by negligence of the Company.
- 2.4.4 The Company shall not be liable for any defacement of or damages to the premises of a Subscriber resulting from the furnishing of service which is not the direct result of the Company's negligence.

2.5 Deposits

The Company does not require a deposit from the Customer or Subscriber.

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SECTION 2 - RULES AND REGULATIONS, CON'T.

2.6 Advance Payments

For Customers or Subscribers from whom the Company determines an advance payment is necessary, BFI reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges and a new advance payment may be collected for the next month.

2.7 Taxes

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed as separate line items and are not included in the quoted rates.

2.8 Terminal Equipment

BFI's facilities and service may be used with or terminated in Subscriber-provided terminal equipment or communications systems, such as a PBX. Such terminal equipment shall be furnished and maintained at the expense of the Subscriber, except as otherwise provided by tariff or contract. The Subscriber is responsible for all costs at its premises, including Subscriber personnel, wiring, electrical power, and the like, incurred in the use of the Carrier's service. When such terminal equipment is used, the equipment shall comply with the generally accepted minimum protective criteria standards of the telecommunications industry.

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SECTION 2 - RULES AND REGULATIONS, CON'T.

2.9 Installation

Service is installed upon mutual agreement between the Subscriber and the Company. The service agreement does not alter rates specified in this price list.

2.10 Payment for Service

All charges due by the Customer or End User are payable to the Company or to the Company's authorized billing agent (such as a local exchange telephone company). Any objections to billed charges must be reported to the Company or its billing agent within sixty days after receipt of bill. Adjustments to Customer's bills shall be made to the extent that circumstances exist which reasonably indicate that such changes are appropriate.

2.11 Cancellation by Subscriber

Subscriber may cancel service by providing 30 days' written notice to the Company.

2.12 Interconnection

Service furnished by BFI may be connected with the services or facilities of other carriers. Such service or facilities, if used, are provided under the terms, rates, and conditions of the other carrier. The Subscriber is responsible for all charges billed by other carriers for use in connection with BFI's service. Any special interface equipment or facilities necessary to achieve compatibility between carriers is the responsibility of the Subscriber.

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SECTION 2 - RULES AND REGULATIONS, CON'T.

2.13 Refusal or Discontinuance by Company

BFI may refuse or discontinue service under the following conditions.

Service may be denied or discontinued with prior written notice for the following reasons:

- 2.13.1 If a condition immediately dangerous or hazardous to life, physical safety, or property exists;
- 2.13.2 Upon order by any court, the Commission, or any other duly authorized public authority; or
- 2.13.3 If service was obtained fraudulently or without the authorization of the provider or is being used for, or suspected of being used for, fraudulent purposes.

Service may be denied or discontinued with prior written notice for the following reasons:

- 2.13.4 For nonpayment of any past due bill. The due date shown on the bill must be as least ten (10) days after the date of bill issuance or five days after the date of mailing, whichever is later. Solely for the purposes of this section, a bill is past due if not paid within thirty (30) days of the due date.
- 2.13.5 Violation or non-compliance with the Commission's Rules and Regulations governing application for and supply of services by providers.
- 2.13.6 Obtaining service by subterfuge which includes, but is not restricted to, an application for service at a location in the name of another party by a Customer or Subscriber whose account is delinquent and who continues to use the premises.

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SECTION 2 - RULES AND REGULATIONS, CON'T.

2.13 Refusal or Discontinue by Company, con't.

- 2.13.7 Violation of any Company rule on file with and approved by the Commission which may adversely affect the safety of the Customer or other persons or the integrity of the Company's service.
- 2.13.8 Failure to comply with municipal ordinances or other laws pertaining to telecommunications services which may adversely affect the safety of the Customer or other persons or the integrity of the Company's service.
- 2.13.9 Failure of the Customer or Subscriber to permit the Company reasonable access to its facilities or equipment.

2.14 Inspection, Testing, and Adjustment

Upon reasonable notice, the facilities provided by the Carrier shall be made available to the Carrier for tests and adjustments as may be deemed necessary by the Carrier for maintenance. No interruption allowance will be granted for the time during which such tests and adjustments are made when the interruption is less than twenty-four consecutive hours.

2.15 Tests, Pilots, Promotional Campaigns, and Contests

The Carrier may conduct special tests, pilot programs, waivers, and promotions to demonstrate the ease of use, quality of service, and to promote the sale of its services.

2.16 Interruption of Service

It shall be the obligation of the End User or Subscriber to notify Carrier immediately of any interruption in service for which a credit allowance is desired by End User or Subscriber. Before giving such notice, the End User or Subscriber shall ascertain that the trouble is not within its control, or is not in wiring or equipment, if any, furnished by Subscriber and connected to Carrier's terminal. Interruptions caused by automatic dialing equipment are not deemed an interruption of service as defined herein since access to the long distance network may be obtained via local exchange company access methods.

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SECTION 2 - RULES AND REGULATIONS, CON'T.

2.17 Other Rules

- 2.17.1 The Company reserves the right to refuse Third Party billing at its discretion.
- 2.17.2 The Company reserves the right to refuse to process Credit Card or Calling Card billed calls when authorization for use of the card cannot be validated.
- 2.17.3 The Company reserves the right to discontinue service, limit service, or to impose requirements on Subscribers as required to meet changing regulatory rules and standards of the Arizona Corporation Commission.

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SECTION 3 - DESCRIPTION OF SERVICE

3.1 Timing of Calls

3.1.1 Long distance usage charges are based on the actual usage or BFI's network. No fixed monthly fees or installation charges apply.

3.1.2 Timing of each call begins as specified below and ends when the connection is terminated. Calls are billed in full minute increments unless otherwise specified.

Collect Calls - Timing begins when the called party accepts the responsibility for payment.

Person-to-Person Calls - Timing begins when the calling party is connected to the specified person, extension or agreed alternate at the called number.

All Other Calls - Timing begins when the called station is answered.

3.1.3 Unless otherwise specified in this tariff, the minimum call duration for billing purposes is one minute.

3.1.4 Unless otherwise specified in this tariff, usage is measured and rounded to the next higher full minute for billing purposes.

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SECTION 3 - DESCRIPTION OF SERVICE

3.2 Description of Call Types

3.2.1 Customer Dialed Calling Card or Credit Card Call - A service whereby the End User dials all of the digits necessary to route and bill the call without any operator assistance.

3.2.2 Operator-Assisted Station - A service whereby caller places a station to station call which is billed via credit card, calling card, collect, or third party with the assistance of an operator (live or automated).

3.2.3 Operator Dialed Surcharge - This charge applies to calls when the user dials "0" only and requests that the operator dial the destination number.

3.2.4 Person-to-Person - A service whereby the person originating the call specifies a particular person to be reached, or a particular station, room number, department, or office to be reached through a PBX attendant. A person-to-person call may be billed to the called party, a third number, a credit card, or a calling card.

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SECTION 3 - DESCRIPTION OF SERVICE, CON'T.

3.3 Description of Service

BFI Long Distance Service is offered to customers for calling within the State of Arizona. Customers access BFI's network via local exchange company provided feature group access. Calls are routed over the Company's transmission and switching facilities to any valid NPA-NXX in the State of Arizona.

BFI Long Distance Service is provided for use by transient end users at host locations. This service anticipates the provision of Operator Services or billing options. Calls are measured as described in Section 3.1 of this tariff.

Per-minute usage sensitive charges, as well as per-call operator surcharges apply.

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SECTION 4 - MAXIMUM RATES

4.1 General

Per minute usage rates, in addition to a per-call operator service charges apply for long distance service. Calls are billed in full minute increments.

4.2 BFI Long Distance Services

For all minutes of use regardless of time of day, mileage, or holidays. Rates may vary in accordance with prospective volume of traffic, equipment costs, fraud, and uncollectible levels for the service area, and other risk.

4.2.1 BFI Long Distance Plan I

Each Minute
\$.45

Additional Charges:

| | |
|------------------------------|--------|
| Customer Dialed Calling Card | \$1.00 |
| Operator Assisted Station | \$1.25 |
| Person-To-Person | \$4.20 |

4.3 Additional Surcharges Per Call:

| | |
|---------------------------|--------|
| Property Imposed Fee | \$1.80 |
| Directory Assistance | \$1.50 |
| Operator Dialed Surcharge | \$1.20 |

Rates apply for all minutes of use regardless of time of day, mileage or holidays.

4.4 Alternative Long Term Stay Plan Over 30 Days

\$17.94 for 30 day period \$0.239 each minute

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SECTION 4 - MAXIMUM RATES, CONT.

4.5 Location Surcharges

BFI may collect location surcharges on behalf of Subscribers of Aggregators. This charge applies in addition to usage charges and other applicable per message service charge for calls placed from a Subscriber location by transient end users. Location surcharges are included with usage charges on the Customer's bill for Carrier's services. BFI reserves the right to limit the amount of location surcharges it collects on behalf of the Subscriber.

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D/B/A RESORT OPERATOR SERVICES

Price List

Title Page, Original

Interexchange Services Price List

PRICE LIST OF

BUEHNER-FRY, INC. D/B/A RESORT OPERATOR SERVICES

This price list contains the rates applicable to the furnishing of Intrastate Resale Common Carrier Communications offered by Buehner-Fry, Inc. d/b/a Resort Operator Services between points within Arizona.

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BUEHNER-FRY, INC.

Price List

D/B/A RESORT OPERATOR SERVICES

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Interexchange Services Price List

CURRENT RATES

General

Unless otherwise indicated, calls are billed in full minute increments.

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Price List

D/B/A RESORT OPERATOR SERVICES

Page 2, First Revised

Interexchange Services Price List

CURRENT RATES, CONT.

1. Resort Operator Services Long Distance

1.1.1 BFI Long Distance Plan I

Each Minute

\$.36

Additional Charges:

| | |
|------------------------------|--------|
| Customer Dialed Calling Card | \$0.80 |
| Operator Assisted Station | \$1.00 |
| Person-To-Person | \$3.50 |

1.1.2 Additional Surcharges Per Call:

| | |
|---------------------------|--------|
| Property Imposed Fee | \$1.50 |
| Directory Assistance | \$1.25 |
| Operator Dialed Surcharge | \$1.00 |

Rates apply for all minutes of use regardless of time of day, mileage or holidays.

1.1.3 Alternative Long Term Stay Plan Over 30 Days

\$14.95 for 30 day period \$0.199 each minute

1.1.4 Location Surcharges

BFI may collect location surcharges on behalf of Subscribers of Aggregators. This charge applies in addition to usage charges and other applicable per message service charge for calls placed from a Subscriber location by transient end users. Location surcharges are included with usage charges on the Customer's bill for Carrier's services. BFI reserves the right to limit the amount of location surcharges it collects on behalf of the Subscriber.

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